

Hallandale Beach, Florida, Code of Ordinances >> PART I - CHARTER >> **ARTICLE III. - CITY COMMISSION >> DIVISION 3: VACANCIES >>**

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Sec. 3.09: Vacancies; forfeiture of office; filling of vacancies.

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- (1) *Vacancies.* A vacancy in the city commission occurs when a commissioner leaves office otherwise than before the normal expiration of his term of office. The office of a commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission. In the event a commissioner resigns in accordance with F.S. § 99.012 to run for another elective office, the office of that commissioner shall be deemed vacant upon the date of his/her qualification for the other office, and the remaining members of the commission shall fill the vacancy as provided in section 3.09(3).
- (2) *Forfeiture of office.* A commissioner shall forfeit his office if he:
 - (a) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or law;
 - (b) Is convicted of a crime involving moral turpitude; or
 - (c) Fails to attend three (3) consecutive months of regular meetings of the commission subject to and consistent with law.
- (3) *Filling of vacancies.* A vacancy or vacancies in the city commission shall be filled as provided in the following.
 - (a) *Appointment.* Whenever there is a vacancy in the commission and there are less than twelve (12) months remaining before the next regular city or general election, the commission, by a majority vote of the remaining members, shall choose a successor to serve until that election. In the event of a vacancy in the office of mayor, the vice mayor shall serve as the acting mayor until the mayor's seat is filled. If a majority vote cannot be reached within thirty (30) days of the creation of the vacancy, then the vacancy shall be decided by lot.
 - (b) *Special elections.* If no regular city or general election is scheduled within twelve (12) months, the commission shall schedule a special election to fill the unexpired term held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy or vacancies. In any special election held for the purposes of this section, the provisions for nominations and elections contained in article IV of this Charter shall apply.
 - (c) *Term.* The term of office for vacancies filled by this section shall be for the remainder of the unexpired term of the office in which the vacancy exists.
 - (d) *Regular city election.* When, at a regular city election in addition to regular commission offices, it becomes necessary to fill a commission vacancy or vacancies which have occurred under the provisions of section 3.09(1), candidates shall be elected according to the provisions of article IV of this Charter.

- (e) *Quorum requirement.* Notwithstanding any quorum requirement established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under [subsection] (a) above.
- (4) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in [subsection] (3)(b) above and such election shall be conducted to fill the specific vacancies in the manner provided for under the regular election procedures of this city.

(Ord. No. 2002-04, § 2, 4-2-2002/11-5-2002; Ord. No. 2003-28, § 2, 11-18-2003; Ord. No. 2003-30, § 2, 11-18-2003; Ord. No. 2003-31, § 2, 11-18-2003; Ord. No. 2012-11, § 1, 5-2-2012)